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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert Paul Morris

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IPAC

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/034,277	<b>Applicant(s)</b> MORRIS ET AL.	
	<b>Examiner</b> Jean M. Corrielus	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-23, 25-37 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 9, 24 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The office action is in response to the request for consideration filed on October 11, 2005, in which claims 1-43 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments filed October 11, 2005 have been fully considered but they are not persuasive. (See examiner's remark).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1-5, 7-8, 10-14, 16-20, 22-23, 25-29, 31-34, 36-37 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin US Patent no. 6,721,747 and Parulski et al., (hereinafter "Parulski") US Patent no. 6629104B1.

Art Unit: 2162

As to per claim 1, Lipkin teaches a method for allowing a user to define and use custom metadata, the method comprising the steps of:

- a). providing a network accessible server with a metadata library comprising a plurality of metadata (i.e., learning metadata) (col. 9, lines 40-53., col. 1 17, lines 54-62., Fig. 5, element 513 and 515),.
- b). displaying from the server a user interface on a client computer that allows the user to specify a plurality of properties to thereby create a custom metadata (col. 21, lines 20-31 );
- c). storing the custom metadata in the metadata library (col.12, lines 60-64). However, Lipkin does not explicitly teach "metadata vocabularies". On the other hand, Parulski, discloses metadata vocabularies (col. 2, lines 55-58., col. 3, lines 5-11 and 15-25). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Parulski's teaching would have allowed Lipkin's to personalized the metadata labels for a particular user to facilitate retrieval of stored digital images by prompting a user to select the pre-assigned metadata labels or enter in a label, which is then added to the metadata database as suggested by Parulski at col. 3, lines 5-27\*, col. 2, lines 2-19.

As claims 2, 17, and 32, Lipkin teaches the step of: (d) allowing the user to search the metadata library to select at least one of the metadata vocabularies to apply to an electronic resource (i.e., making catalogs available for automated search) (col. 12, lines 40-41 ; col. 83, lines 41-50).

Art Unit: 2162

As to claims 3, 18, and 33, Lipkin teaches the (i) providing the server with management capabilities that allows a user to create metadata vocabularies, add references to the library to metadata vocabularies existing external to the metadata library, and set user permissions for the metadata vocabularies in the library (col. 12, line 65 - col. 13, line 4., col. 37, lines 65-66., col. 40, lines 25-52., col. 39, lines 30-35).

As to claims 4, 19, and 34, Lipkin teaches the step of: adding references to external metadata vocabularies by providing a universal resource indicator and name of the metadata vocabulary (col. 86, lines 9-30, col. 87, lines 25-29., col. 19, lines 61-65., col. 130, lines 10-13).

As to claims 5 and 20, Lipkin teaches the step of: (i) allowing the user to specify constraints on the values the properties may have (col. 6, lines 16-19).

As to claims 7, 22, and 36, Lipkin teaches the step of: (i) allowing the user to create the custom metadata vocabulary by reusing an existing metadata vocabulary (col. 21, lines 23-31 and Fig. 8c).

As to claims 8, 23, and 37, Lipkin teaches the step of: (1) allowing the user to search for the existing metadata vocabulary by entering search criteria that include vocabulary names and property names (col. 12, lines 40-41); (2) displaying metadata vocabularies matching the search criteria (col. 5, lines 62-64), and (3) allowing the user to select properties from the displayed metadata vocabularies to add to the custom metadata vocabulary (col. 21, lines 20-31., col. 6,

Art Unit: 2162

lines 16-19).

As to claims 10 and 25, Lipkin teaches the step of: allowing the user to upload the resource to the server (i.e., export) (col. 5, lines 46-53).

Regarding claims 11 , 26, and 39 Lipkin teaches the step of: allowing the user to specify which metadata vocabularies are required to be associated with particular resource types (col. 12, lines 25-28).

Regarding claims 12, 27, and 40, Lipkin teaches the step of: (i) associating user account information with the resource type and required metadata vocabulary information (col. 38, lines 14-20, 01. 40, lines 25-52)., and automatically applying required metadata vocabularies specified for the type of electronic resource when the server receives the resource by ( i i ) checking the user's account and retrieving the required metadata vocabularies specified for the resource type (col.39, lines 14-20).

Regarding claims 13, 28, and 41, Lipkin teaches the step of: including in the vocabulary library a universal schema, shared schemas, and private schemas (i.e., model pages uses xsp directives tags defined in the tag library to include desired page content) (col. 66, lines 10-17., col. 4, lines 61-65., col. 83, lines 38-52 ) .

Art Unit: 2162

Regarding claims 14, 29, and 42, Lipkin teaches the step of: requiring all images in the network to include metadata that is specified by the universal schema (col. 75, line 40 - col. 76, 2., col. 83, lines 38-52).

Regarding claim 16, Lipkin teaches a computer-readable medium containing program instructions for allowing a user to define and use custom metadata, the instructions for: a). providing a network accessible server with a metadata library comprising a plurality of metadata (col.9, lines 40-53, col.117, lines 54-62, Fig. 5, element 513 and 51 5)., b). displaying from the server a user interface on a client computer that allows the user to specify a plurality of properties to thereby create a custom metadata (col.21 , lines 20-31), and c). storing the custom metadata in the metadata library (col. 12, lines 60-64). However, Lipkin does not explicitly teach "metadata vocabularies". On the other hand, Parulski teaches metadata vocabularies (col. 2, lines 55-58., col. 3, lines 5-1 1 and 15-25). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Parulski's teaching would have allowed Lipkin's to personalized the metadata labels for a particular user to facilitate retrieval of stored digital images by prompting a user to select the pre-assigned metadata labels or enter in a label, which is then added to the metadata database as suggested by Parulski at col. 3, lines 5-27., col. 2, lines 2-19).

Art Unit: 2162

Regarding claim 31, Lipkin teaches the claimed a). a plurality of client computers, wherein each client computer stores respective resources (Figs 3 and 4)., and

b). a server in communication with the client computers over a network, the server including 1). a metadata library containing a plurality of metadata, each metadata comprising a plurality of properties and constraints on values the properties may have (col. 12, lines 32-45., col.117, lines 54-62., and Fig. 6), and 2) a Web application for displaying browser-based forms on the client computers that allow users of the client computers to define custom metadata for storage in the metadata library by entering property names (col. 21, lines 20-31). However, Lipkin does not explicitly teach metadata vocabularies".

Parulski, on the other hand, teaches metadata vocabularies as prompting a user to select the pre-assigned metadata labels or enter in a label, which is then added to the metadata database (col. 2, lines 55-58', col. 3, lines 5-11 and 15-27). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Parulski's teaching would have allowed Lipkin's to personalized the metadata labels for a particular user to facilitate retrieval of stored digital images by prompting a user to select the pre-assigned metadata labels or enter in a label, which is then added to the metadata database as suggested by Parulski at col. 3, lines 5-27., col. 2, lines 2-19.



Art Unit: 2162

6. Claims 6, 21 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin (U.S. Patent 6,721,74782) in view of Parulski et al. ("parulski") US Patent no. 6629104B1 as applied to claims 1-5, 7-8, 10-14, 16-20, 22-23, 25-29, 31-34, 36- 37, 39-42 and further in view of Halstead et al. ("HaIstead") U.S. Patent 6,502,102.

Regarding claims 6, 21, and 35, Lipkin does not explicitly teach the step of displaying a form-driven interface that includes fields for the user to enter property names and constraint values. Halstead, however, teaches displaying a form-driven interface that includes fields for the user to enter property names and constraint values (col. 6, lines 18-26, Fig.4 and 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Halstead's teaching would have allowed Lipkin's to provide ease of use and an intuitive system which simplifies training and reduces learning curve as suggested by Haswell at col. 15, line 66 - col. 16, line 2.

7. Claims 15, 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin (U.S. Patent 6,721,74782) in view of Parulski et al. ("parulski") US Patent no. 6629104B1 as applied to claims 1-5, 7-8, 10-14, 16-20, 22-23, 25-29, 31-34, 36- 37, 39-42 and further in view Chau et al. ("Chau") (US 20030014397A1).

Regarding claims 15, 30, and 43, Lipkin teaches the steps of allowing the user to assign a metadata instance to the resource by: a). retrieving required metadata vocabularies specified for a resource type of the resource (col. 1 15, lines 26-36)., c). generating and display forms that allow the user to enter data values for the properties (col. 21, lines 20-31)., d). validating the data values based on vocabulary constraints (col. 12, lines 52-59), and

Art Unit: 2162

e). associating the data values with the resource and saving (col. 21, lines 35-54). However, Lipkin does not explicitly teach merging the retrieve metadata vocabularies and removing duplicate properties. Chau, on the other hand, teaches merging the retrieve metadata vocabularies and removing duplicate properties as XML System provides good data and metadata management solutions to handle traditional and non-traditional data. With the content of structured XML documents in a database, a user can combine structured XML information with traditional relational data and the XML System removes duplicates using XML composition stored procedures (items 0074 and 0733, and claim 68). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Chau's teaching would have allowed Lipkin's to consolidate redundant data in an effort to save the system resource from executing duplicate information in order to produce efficient search results.

***Remark***

8. Applicant asserted that the combination of Lipkin and Parulski fails to disclose the method for allowing a user to define and use custom metadata. The examiner disagrees with the precedent assertion. However, when read and analyzed in light of the specification, the invention as claimed does not support Applicants' assertions. The claims do not capture the essence of the invention as argued in applicants' remark page 14. The aforementioned assertions, wherein the method for allowing a user to define and use custom metadata fails to disclose by Lipkin and Parulski with regard to the claimed invention, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. Parulski, on the other hand, is directed to a

Art Unit: 2162

personal database of metadata labels constructed prior to image capture. Such system allows user to preemptively categorize photo that are particularly noteworthy to the user, by allowing user to define metadata for the digital image suitable to the user need (col.2, lines 10-24) and also enabling user to customize feature of the their own digital camera which is supplied imaging along with metadata (col.3, lines 40-50). Lipkin, however, disclosed a system that manages information in an information resource system by generating metadata using an import agent . Applicants are interpreting the claims very narrow using the specification without considering the broad teaching of the reference stated in the rejection. Moreover, Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Bull discloses the invention as claimed. Based on the information provided therein, it is clear that Parulski allows user to define and use the custom metadata. Hence the 35 U.S.C 103 is hereby sustained.

9. Applicant asserted that Parulski fails to teach or suggest “providing a plurality of metadata vocabularies”. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark page 14. In the last office action, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn

Art Unit: 2162

the correspondences between applicants' claims phrases and prior art. Consequently, Applicant has failed to successfully rebut the rejection of the cited claims. It has also been held that Applicant bears the burden of explaining why the evidence on which the Examiner relies is insufficient to establish a prima facie case or demonstrating that Applicant has provided evidence, which rebuts the prima facie case. See *In re Rouffet*, 149 F.3d 1350, 1355 47 USPQ2d 1453, 1455 (Fed. Cir. 1998). It is respectfully submitted that Parulski discloses a personal database of metadata labels constructed prior to image capture, wherein such system allows user to preemptively categorize photo that are particularly noteworthy to the user, by allowing user to define metadata for the digital image suitable to the user need (col.2, lines 10-24). In particular, Parulski discloses the use of allowing users to specify a plurality of properties to thereby create a custom metadata vocabulary, where use can customize the firmware of the digital camera using metadata categorization software, so that metadata enter by the user can be customized based on the vocabulary stored in the dictionary (col.3, lines 40-55; col.4, lines 50-60; col.5, lines 18-33; col.6, lines 1-25).). Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater* 162 USPQ 541, 550-51 (CCPA 1969). Therefore, Parulski discloses the invention as claimed.

10. Applicant asserted that Parulski fails to disclose the ability for a user to either extend the Exif image metadata vocabulary or to define a custom metadata vocabulary in which the labels may be stored. The examiner disagrees with the precedent assertion. However, when read and analyzed in light of the specification, the invention as claimed does not support Applicants'

Art Unit: 2162

assertions. The aforementioned assertions, wherein the ability for a user to either extend the Exif image metadata vocabulary or to define a custom metadata vocabulary in which the labels may be stored fails to disclose by Parulski with regard to the claimed invention, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. Parulski, however, discloses the use of a digital camera which determines various metadata items, wherein these metadata items are stored within a so called "Exif" image file as defined in digital still camera image file format, and in which user has the ability to customize the metadata vocabulary and also extend the "Exif" image file (col.4, lines 49-60, fig.1). The aforementioned assertion is moot. Parulski, therefore, discloses the invention as claimed.

Thus, for the above reasons, it is believed that the rejection under 35 U.S.C. 103 provides substantial evidence to support the rationale statement in the above rejection, and the rejection under 35 U.S.C. 103 should be sustained.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

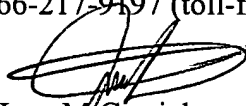
Art Unit: 2162

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus  
Primary Examiner  
Art Unit 2162

January 7, 2006